

## **EXHIBIT 37**

**Filed Under Seal**

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Page 1

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE DISTRICT OF MINNESOTA

3                   - - -  
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5                   IN RE:   PORK ANTITRUST         :   No. 0:18-cv-  
6                   LITIGATION                         :   01776-JRT-HB

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This Document Relates to         :  
All Actions                         :

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16                  THURSDAY, JUNE 23, 2022  
17                  HIGHLY CONFIDENTIAL  
18                  - - -  
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20                  Remote Zoom Videotape Deposition of  
21                  DEBORAH McCONNELL, taken pursuant to Notice,  
22                  commencing at approximately 9 o'clock a.m.,  
23                  Central Time, on the above date, before Rose  
24                  A. Tamburri, RPR, CM, CCR, CRR, USCRA Speed  
25                  and Accuracy Champion and Notary Public.

26                  - - -  
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28                  VERITEXT LEGAL SOLUTIONS  
29                  Mid-Atlantic Region  
30                  1801 Market Street - Suite 1800  
31                  Philadelphia, Pennsylvania 19103

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1 Q. Was it more than 10 years ago?

2 A. That, I'm not sure. I can't quantify  
3 that specifically.

4 Q. Do you recall whether someone asked  
5 you to start making guesses as to the identity  
6 of companies within the Agri Stats reports?

7 MS. RIDER ROHRBAUGH: Objection to  
8 form.

9 THE WITNESS: I don't recall  
10 ever -- anyone ever asking. My recollection  
11 is -- my drive and desire in my role in  
12 accounting, I love accuracy, it has to be  
13 accurate. I drive -- I drive for that.

14 And so how could I take this  
15 inch-thick book of data and make it in a  
16 summary form that we could use for the  
17 benchmarking process.

18 So it was me trying to make it  
19 simpler to -- to review.

20 BY MS. SCARLETT:

21 Q. Was it your idea to make a guess as  
22 to the identity of companies within the Agri  
23 Stats reports?

24 A. As I recall, once I mathematically  
25 found a simpler way to present the data, then

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1 it became ease of reporting, guess a name for,  
2 you know, for discussion purposes or call them  
3 No. 1, No. 7, No. 12. And names, estimated  
4 names, guesses, flat-out guesses, just seemed  
5 to flow better in our review meetings,  
6 benchmark review meetings.

7 Q. When you made the identification of  
8 competitors within the reports, it was your  
9 best guess; isn't that correct?

10 MS. RIDER ROHRBAUGH: Objection to  
11 form.

12 THE WITNESS: It was a guess,  
13 literally a guess. And often, when a name  
14 was -- a guess was put on a profile, and then  
15 the next month or two months later, there was  
16 an obvious change in that profile such that it  
17 visibly appeared, there's no way -- or the  
18 name was now not the same; in other words, the  
19 profile belonged to somebody else.

20 Said a different way, guessing a  
21 name and usually within two months, we're --  
22 we're analyzing trends for benchmarking. And  
23 within a couple months, almost regularly,  
24 changed the guess. And then we'd change the  
25 guess again, meaning go back a month and

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1 change the guess to be somebody else.

2 And that was me doing that, just  
3 'cause it didn't -- it didn't seem logical,  
4 basis the data flowing.

5 BY MS. SCARLETT:

6 Q. Well, I believe you just testified  
7 you love accuracy; is that correct?

8 A. Yes, I do.

9 Q. And so when you made these guesses,  
10 you were making your best guesses; is that  
11 correct?

12 MS. RIDER ROHRBAUGH: Objection to  
13 form.

14 THE WITNESS: I love accuracy,  
15 absolutely, and I strive for accuracy. So it  
16 was a guess, but it was a guess, basis, just a  
17 guess.

18 And then in my strife for  
19 accuracy, when I could see it looked wrong,  
20 because that's all I could see is that it  
21 didn't -- it didn't appear to flow, that was  
22 the only basis for my changing the guess to a  
23 different guess.

24 BY MS. SCARLETT:

25 Q. Is it fair that -- to say that you've

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1       your October and November 'books'... that is  
2       all you will need... thanks, Debbie. Noel  
3       wants to meet (as a group) on 2.11.10 to  
4       review the competitor information..." {sic}

5                          Do you see that?

6       A.     Yes, I do.

7       Q.     When you write, "We were able to  
8       define the 3 eastern plants for  
9       September...and validate it," {sic} what do  
10      you mean by "validate it"?

11      A.     What I believe I meant years ago is  
12      in reference to that orange on those  
13      spreadsheets, because Agri would say here's a  
14      collective IOE of the eastern plants.

15                          So "validate" means I -- I know  
16      what I could compare it to. That's all I  
17      meant by validate.

18      Q.     So was it kind of when the numbers  
19      matched up, that's what you meant by validate  
20      it?

21      A.     I would say it meant that I did the  
22      comparison, not necessarily that they matched  
23      up.

24                          The -- just to expound for two  
25      seconds, in -- in Agri, the results would have

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1      been weighted, weighted average, you know, of  
2      those -- the eastern, the -- the eastern --  
3      the eastern results would have been a weighted  
4      average of the three eastern locations.

5                In Agri Stats, there is no volume  
6      at all, zero. I have no idea what volume  
7      harvested or processed anybody does any month.

8      It's -- it's all presented on a per head or  
9      per hundred weight, so like one hog basis.

10               So even when we guess at three  
11      easterns, then the only option I had  
12      mathematically to come up with a combined  
13      number was to use the capacity. And who  
14      has -- I had never had any idea if they even  
15      ran their capacity.

16               So even my weighting, some -- the  
17      names were a guess, and then I weighted them  
18      on their capacity, which is public  
19      information, but I had no idea if they even  
20      ran their capacity.

21               So, I mean, it was a guess to  
22      start with, weighted on the capacity, which I  
23      have no idea if they ran the capacity, and  
24      then I'd compare it to the number he had in  
25      the book.

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1           So even if it was close, it could  
2 be wrong, because I used capacity to weight  
3 it, and it really should have been some other  
4 number because they all -- I mean....

5           Q. You write in this document, "We need  
6 input from retail and processor sales to help  
7 with the identification process."

8           Do you see that?

9           A. Yes, I do.

10          Q. And so who, on the list of required  
11 attendees, would have given you input from  
12 retail and processor sales?

13           MS. RIDER ROHRBAUGH: Objection to  
14 form.

15           THE WITNESS: As I recall, again,  
16 most of these individuals have had numerous  
17 roles in my 36 years. Todd, at one point, was  
18 in retail sales and Jason Brester, at one  
19 point, was in processor sales; in other words,  
20 he sold hams and bellies, and Todd sold the  
21 rest of the hog.

22 BY MS. SCARLETT:

23          Q. And do you recall what you meant when  
24 you wrote, "Noel wants to meet (as a group) on  
25 2.11.10 to review the competitor information"?